

**THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14074 of 2002

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***WEDNESDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND SEVEN***

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Between:

Tera Pulla Reddy, S/o. Gangi Reddy,
Lingala Village and Mandal, Cuddapah
District.

... Petitioner

And

The Executive Engineer,
Panchayat Raj, Pulivendula,
Cuddapah District, and others.

... Respondents

Order:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in taking steps for laying a road across the private patta land of the petitioner in S.Nos.308 and 361 of Lingala Village and Mandal, Cuddapah District as illegal and arbitrary.

2. In the affidavit filed in support of the writ petition, it is stated that

petitioner is the owner and possessor of land to an extent of Ac.6.47 cents and Ac.5.86 ½ cents in S.Nos.208 and 321 respectively in the aforesaid village. It is the case of the petitioner that respondents, without taking steps to acquire the required piece of land under the provisions of the Land Acquisition Act, 1894 were laying a road from Peddakudala village to Lingala village through his land. His grievance is that in the absence of taking over of the land for any public purpose by due process of law and in the absence of his consent, the road cannot be laid.

3. This court, while admitting the writ petition, by order dated 02-08-2002, in W.P.M.P.No.17589 of 2002, directed the respondents not to interfere with the land in question, pending further orders. However, no counter affidavit has been filed on behalf of the respondents.

4. Learned Government Pleader appearing for the respondents submits that subsequent to filing of the writ petition, petitioner himself has given consent to part with a portion of the land in S.No.361, however, the said submission is not supported by a counter affidavit.

5. As much as it is not in dispute that the land in question is a private patta land of the petitioner, I dispose of the writ petition directing the respondents not to deprive the petitioner of his land referred above or any portion thereof, for public purpose, until the same is notified under the provisions of the Act or petitioner's consent is taken. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 4, 2007

MRR